

REMARKS / ARGUMENTS

The Examiner rejected claim 1 under 35 USC 102 as being anticipated by Isleif (US Patent 4,171,846) and by Willey (US Patent 5,639,142).

The examined single claim formed part of the PCT application as filed and published. However, that claim was replaced by new claims 1 to 17 in an amendment under PCT Article 34 during the international preliminary examination phase (Chapter II). A copy of the international preliminary examination report and annexes, which included claims 1 to 17, was communicated to all elected Offices (including the USPTO), as confirmed in a PCT Notification of Transmittal of the International Preliminary Examination Report (PCT Rule 71.1) dated March 16, 2004. Applicant's understanding under MPEP 1893.01(a)(3) is that such annexes, being in English, will be entered into the US national stage application by the USPTO absent a clear instruction by the applicant that the annexes are not to be entered. Applicant did not provide such instruction, and so believes that claims 1 to 17 should have formed part of the present US application for examination.

In any event, Applicant is now amending this application to replace claim 1 with claims 1 to 17, and requests that they be re-considered without penalty to the Applicant. Claims 1 to 17 are in essence the same as those made under PCT Article 34, except for claim 1 in which "to support the visor on the roof" has been added.

Regarding the Examiner's rejection under 35 USC 102, this rejection is overcome since it is believed that claim 1, as amended, is no longer anticipated by either Isleif or Willey. Neither reference discloses an air deflector assembly having pedestals mountable to each lateral edge of a central visor to support the visor on the roof. Rather, the cited references disclose air deflectors of uni-body construction. The features noted by the Examiner (items 9, 11 and 12 in Isleif, and item 70 in Willey) are merely fasteners for securing the deflector to a roof.

Applicant notes that the PCT international preliminary examination report found claims 1 to 17 to be both novel and inventive over the prior art of the PCT search report, which included both Isleif and Willey.

It is therefore submitted that the above base claim, including the new dependent claims 2 - 17, are in condition for allowance. Reconsideration of the rejection is requested. Applicant respectfully requests that a timely Notice of Allowance be issued for this application.

Respectfully submitted,

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